REMARKS

This Amendment is filed in response to the Office Action mailed on June, 27th

2003. All objections and rejections are respectfully traversed.

Claims 8-11 were added to better claim the invention.

At paragraph 3 of the Office Action the title of the invention was objected to as

non-descriptive. Applicant has amended the title in response to Examiners objection.

At paragraph 4-5 of the Office Action Claims 1-7 were rejected under 35 U.S.C.

102 as being unpatentable in view of Regan et al. U.S. Patent No. 6,578,086 issued on

June 10th, 2003 (hereinafter Regan).

The present invention, as set forth in representative claim 1 comprises in part:

> 1. A layer 2 switch, comprising:
> a plurality of ports, *at* least one port of said plurality of ports capa-
> ble of being set to a status of uplinkguard enabled (UG status);
> first circuits for running the spanning tree protocol (STP) in said
> layer 2 switch, said STP capable of selecting said at least one port as either
> a designated port or as a root port;
> second circuits for running uplinkguard enabled process, and said
> uplinkguard enabled process determining whether or not a port set to UG
> status has been selected by STP as a designated port; and,
> blocking circuits to set said at least one port into blocked state, said
> blocking circuits *setting said at least one port into blocked state in re-*
> *sponse to said at least one port being both in uplinkguard enabled status*
> *and selected by STP as a designated port.*

Regan describes a technique to preserve previously un-utilized parallel links be-

tween network switches in a layer-2 network for use in load balancing and Quality of

Service (QoS) (col 6, line 31 – 34,). Regan repeatedly states that he does does not block or disable I/O ports to manage the active topology (col. 5, lines 26-33, col. 6, lines 25-31). Instead, Regan employs a new link state protocol and link state protocol databases to manage the topology (col. 6, lines 31-34). Each network device monitors changes in the status of I/O ports and issues updates in response to the changes according to the protocol (col. 10, lines 28-31). Through this technique, Regan claims that the network topology is dynamically managed without blocking any ports (col. 10, lines 54-60).

Applicant respectfully urges that Regan does not teach the Applicants claimed novel *"setting said at least one port into blocked state in response to said at least one port being both in uplinkguard enabled status and selected by STP as a designated port."*

Regan specifically directs not block or disable ports in accordance with an STP scheme, but rather allows multiple links for load sharing and other services. Indeed the main teaching of the Regan patent is management of a layer-2 network without blocking ports. Dissimilarly, Applicant's invention provides a modification to conventional STP, providing a mechanism to determine which ports to block.

Therefore, Applicant respectfully urges that the Regan reference is legally pre-cluded from anticipating the claimed invention under 35 U.S.C. 102 because Regan has no disclosure of applicants *"setting said at least one port into blocked state in response to said at least one port being both in uplinkguard enabled status and selected by STP as a designated port."*

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Further, Applicant respectfully urges that the Regan patent teaches away from Applicant's novel invention since Regan repeatedly directs <u>not</u> to block ports. A person of ordinary skill in the art would be dissuaded by the Regan patent from investigating any method to eliminate one way connectivity loops in a network that involves blocking ports. Therefore, a person of ordinary skill who followed Regan would be even less inclined to develop Applicant's novel approach of implementing an "uplinkgard" status field to determine which ports to block.
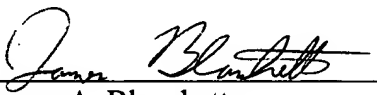
Applicant believes that all independent claims are in condition for allowance.

Applicant further believes that all dependent claims are dependant from allowable independent claims.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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